

REMARKS

Claim Amendments

Upon entry of the foregoing amendment, claims 9-16 are pending in the application. Claims 9-16 have been amended. Claims 1-8 and 20-21 have been canceled without prejudice or disclaimer to the subject matter therein. Claims 17-19 were previously canceled. Applicant reserves its right to pursue this subject matter in one or more divisional and/or continuation applications.

Support for the amendments to the claims can be found throughout the specification and in the claims as originally filed, for example, at paragraph [62] and Example 5. Applicant respectfully requests entry of the above amendment and submits that the above amendment does not constitute new matter.

Specification Amendments

Applicant has amended the specification to include SEQ ID NOs. Applicant respectfully requests entry of the amendment to the specification and submits that the amendment does not constitute new matter.

Objections to the Specification

The specification was objected to for informalities relating to SEQ ID NOs. Applicant has amended the specification to remedy these informalities, rendering this objection *moot*.

Claim Objections

Claims 9-16 were objected to for various informalities. Applicant has amended claims 9-16 to remedy these informalities, rendering this objection *moot*.

Claim rejections – 35 U.S.C. § 101

Claims 9-15 and 20 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Applicant has amended claim 9 to recite “An isolated DNA molecule” and canceled claim 20, rendering this rejection *moot*.

Claim rejections – 35 U.S.C. § 112, second paragraph

Claims 12-13 and 15-16 stand rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. Applicant respectfully traverses this rejection.

Claim 12 was rejected over the recitation “essentially of the plant cells of claim 11.” Applicant has amended claim 12 to delete the term “essentially,” rendering this rejection *moot*.

Claim 13 was rejected as allegedly being incomplete for failing to include the step of expressing the DNA molecule to produce ParG inhibitory RNA molecule and the final step of producing a stress tolerant plant.

Applicant has amended claim 13 to recite that the DNA molecule is transcribed to produce the ParG inhibitory RNA molecule and to include the final step of identifying a plant tolerant to high light stress, rendering this rejection *moot*.

Claim 15 was rejected over the recitation “obtainable.” Applicant has amended claim 15 to delete the term “obtainable,” rendering this rejection *moot*.

Claim 16 was rejected as allegedly being incomplete for failing to include the step of expressing the DNA molecule to produce ParG inhibitory RNA molecule. Applicant has amended claim 16 to recite that the DNA molecule is transcribed to produce the ParG inhibitory RNA molecule, rendering the objection *moot*.

Claim rejections – 35 U.S.C. § 112, first paragraph (enablement)

Claims 9-16 and 20-21 stand rejected under 35 U.S.C. § 112, first paragraph, because the specification, while allegedly being enabling for a DNA molecule comprising a plant expressible promoter operably linked to a ParG coding region of SEQ ID No 3 in sense and/or antisense orientation which is further operably linked to a 3' end region of a plant gene involved in transcription termination and polyadenylation, and a high light stress tolerant Arabidopsis and Brassica transgenic plant or a method of producing said plant comprising said DNA molecule, does not reasonably provide enablement for a) a DNA molecule comprising any DNA region which when transcribed yields a ParG inhibitory molecule, b) tolerance to any stress condition, and c) any transgenic plant species expressing parG inhibitory RNA molecule derived from SEQ ID No 3.

Applicant respectfully disagrees and traverses the rejection. Nonetheless, without acquiescing to the appropriateness of the rejection, Applicant has amended claims 9-16 and canceled 20-21. Applicant has amended the claims to recite particular ParG inhibitory molecules, tolerance to high light stress and specific plants (*Arabidopsis*, *Brassica* and tobacco). In view of the foregoing, Applicant respectfully requests withdrawal of the rejection.

Claims 11-16 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly based on a disclosure which is not enabling, because, according to the Office Action, claims 11-16 do not mention expressing the DNA construct in the plant cell or plant.

Applicant respectfully disagrees and traverses the rejection. Nonetheless, without acquiescing to the appropriateness of the rejection, Applicant has amended claims 11-16. Applicant has amended the claims to recite that the DNA molecule is transcribed to produce the inhibitory ParG inhibitory molecules. In view of the foregoing, Applicant respectfully requests withdrawal of the rejection.

Claim rejections – 35 U.S.C. § 112, first paragraph (written description)

Claims 9-16 and 20-21 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. The Office Action asserts that the specification “does not have adequate written description for genus of ParG inhibitory molecules under current written description guidelines.” O.A. at page 16.

Applicant respectfully disagrees and traverses the rejection. Nonetheless, without acquiescing to the appropriateness of the rejection, Applicant has amended claims 11-16 and canceled 20-21. Applicant has amended the claims to recite particular ParG inhibitory molecules. In view of the foregoing, Applicant respectfully requests withdrawal of the rejection.

Claim rejections – 35 U.S.C. § 102

Claims 9 and 11-15 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Application Publication 2002/0040490 Gorlach, et al., “taken with the evidence” of with Panda, et al. Developmental Cell 3: 51-61.

Applicant respectfully disagrees and traverses this rejection. Nonetheless, without acquiescing to the appropriateness of the rejection, Applicant has amended claims 9 and 11-15. In view of the foregoing, Applicant respectfully requests withdrawal of the rejection.

Claims 9-21 stand rejected under 35 U.S.C. § 102(a) as allegedly anticipated by WO 03/000898 Chang, et al.

Applicant respectfully disagrees and traverses this rejection. Nonetheless, without acquiescing to the appropriateness of the rejection, Applicant has amended claims 9-16 and canceled claims 20-21. Applicant previously canceled claims 17-19. In view of the foregoing, Applicant respectfully requests withdrawal of the rejection.

CONCLUSION

Applicant respectfully submits that the pending claims are in condition for allowance, and such disposition is earnestly solicited. Should the Examiner believe that any issues remain after consideration of this Response, the Examiner is invited to contact the Applicant's undersigned representative to discuss and resolve such issues.

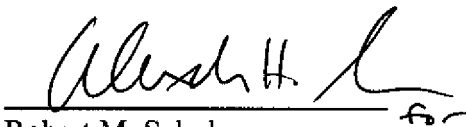
It is believed that no other fees are required for entry of these remarks, but should any fees be necessary, the Commissioner is authorized to charge such fees to **Deposit Account No. 50-0206**.

Respectfully submitted,

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